

## **RESEARCH APPENDIX**

Date Transfer Requested: 11/30/2018 (Per: CMH)

☞ **Appendix G** ... has been added to the **2017 LRB-6073**

**Appendix A** ☞ LRB 17-6001

**Appendix B** ☞ LRB 17-6004

**Appendix C** ☞ LRB 17-6039

**Appendix D** ☞ LRB 17-6040

**Appendix E** ☞ LRB 17-6041

**Appendix F** ☞ LRB 17-6042

**Appendix G** ☞ LRB 17-6043

**Appendix H** ☞ LRB 17-6058

**2017 DRAFTING REQUEST****Bill**

For: **Robin Vos (608) 266-9171** Drafter: **tdodge**  
 By: **Steve** Secondary Drafters:  
 Date: **11/20/2018** May Contact:  
 Same as LRB:

Submit via email: **YES**  
 Requester's email: **Rep.Vos@legis.wisconsin.gov**  
 Carbon copy (CC) to: **tamara.dodge@legis.wisconsin.gov**  
**steve.fawcett@legis.wisconsin.gov**  
**Alicia.Schweitzer@legis.wisconsin.gov**  
**Abbey.Fabick@legis.wisconsin.gov**

**Pre Topic:**

No specific pre topic given

**Topic:**

Legislative approval and oversight of Medicaid state plan amendments

**Instructions:**

See attached

**Drafting History:**

<u>Vers.</u>	<u>Drafted</u>	<u>Reviewed</u>	<u>Submitted</u>	<u>Jacketed</u>	<u>Required</u>
/?	tdodge 11/20/2018	eweiss 11/21/2018			
/P1	tdodge 11/28/2018	eweiss 11/29/2018	dwalker 11/21/2018		
/P2	tdodge 11/29/2018	anienaja 11/29/2018	mbarman 11/29/2018		
/P3			lparisi		

***LRB-6043***

Vers.

Drafted

Reviewed

Submitted  
11/29/2018

Jacketed

Required

FE Sent For:

<END>

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11/20

meeting w/ Vos office staff

Require legislative review & approval of Medicaid  
State plan amendments

If loss than \$500,000, passive review by JFC

If \$500,000 or more, active approval by JFC.

BD



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6043? *Qe PI*  
TJD: *T*  
*emw*

*In: 11/20*

*Due 11/21  
Wed*

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

*SAV ✓  
XREC ✓  
PWF ✓*

- 1 **AN ACT** *Genl*; **relating to:** legislative oversight over submission of Medical  
2 Assistance state plan amendments. ✓

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***Analysis by the Legislative Reference Bureau***

This bill prohibits the Department of Health Services from submitting an amendment to the state's Medical Assistance plan without first submitting the proposed state plan amendment to the Joint Committee on Finance. If the state plan amendment has an expected fiscal effect of less than \$500,000 from all revenue sources over a 12-month period following the implementation date of the amendment, then the proposed state plan amendment is reviewed under JFC's *JCF* 14-day, passive review process. If the state plan amendment's expected fiscal effect is \$500,000 <sup>or more</sup> from all revenue sources over the 12-month period, DHS may only submit the proposed state plan amendment upon approval by JFC. *JCF* ✓

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 3 **SECTION 1.** 49.45 (2t) *X* of the statutes is created to read:  
4 49.45 (2t) SUBMISSION OF STATE PLAN AMENDMENTS. (a) The department may not ✓  
5 submit a Medical Assistance state plan amendment that has an expected fiscal effect  
6 of less than \$500,000 from all revenue sources over a 12-month period following the

1 implementation date of the amendment to the federal department of health and  
2 human services without submitting the proposed state plan amendment to the joint  
3 committee on finance for review. If the cochairpersons of the joint committee on  
4 finance do not notify the department within 14 working days after the date of the  
5 submittal under this paragraph that the committee has scheduled a meeting for the  
6 purpose of reviewing the proposed state plan amendment, the department may  
7 submit the state plan amendment. If, within 14 working days after the date of the  
8 submittal under this paragraph by the department, the cochairpersons of the  
9 committee notify the department that the committee has scheduled a meeting for the  
10 purpose of reviewing the proposed state plan amendment, the department may  
11 submit the state plan amendment only upon approval by the committee.

12 (b) The department may not submit a Medical Assistance state plan  
13 amendment that has an expected fiscal effect of \$500,000 or more from all revenue  
14 sources over a 12-month period following the implementation date of the  
15 amendment to the federal department of health and human services without  
16 submitting the proposed state plan amendment to the joint committee on finance for  
17 review. The department may submit the proposed state plan amendment only upon  
18 approval by the committee of the proposed state plan amendment submitted under  
19 this paragraph.

19

20

(END)



11/28

T/C w/ Abby - Vos office  
Increase threshold to \$1,000,000

include provider reimbursement rate changes &  
supplemental payments



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6043/P1 ep2  
TJD:emw

In: 11/28

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

1

2

or implementing a change to the reimbursement rate for or making a supplemental payment to a provider under the medical assistance program

and Medical Assistance provider payments

AN ACT to create 49.45 (2t) of the statutes; relating to: legislative oversight over submission of Medical Assistance state plan amendments.

rate change, or payment

Analysis by the Legislative Reference Bureau

\$1,000,000

rate change, or payment

rate change, or payment

\$1,000,000

This bill prohibits the Department of Health Services from submitting an amendment to the state's Medical Assistance plan without first submitting the proposed state plan amendment to the Joint Committee on Finance. If the state plan amendment has an expected fiscal effect of less than \$500,000 from all revenue sources over a 12-month period following the implementation date of the amendment, then the proposed state plan amendment is reviewed under JCF's 14-day, passive review process. If the state plan amendment's expected fiscal effect is \$500,000 or more from all revenue sources over the 12-month period, DHS may only submit the proposed state plan amendment upon approval by JCF.

rate change, or payment

implement the rate change, or make the payment

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

AND PROVIDER PAYMENTS

when the amendment, rate change, or payment

3

SECTION 1. 49.45 (2t) of the statutes is created to read:

4

49.45 (2t) SUBMISSION OF STATE PLAN AMENDMENTS. (a) The department may not

5

submit a Medical Assistance state plan amendment that has an expected fiscal effect of less than \$500,000 from all revenue sources over a 12-month period following the

6

\$1,000,000

or implement a change to the reimbursement rate for or make a supplemental payment to a provider under the medical assistance program



## SECTION 1

implementation date of the amendment <sup>rate change, or payment</sup> to the federal department of health and <sup>rate change, or payment</sup> human services <sup>move to p. 1</sup> without submitting the proposed state plan amendment to the joint

committee on finance for review. If the cochairpersons of the joint committee on finance do not notify the department within 14 working days after the date of the

submittal under this paragraph that the committee has scheduled a meeting for the purpose of reviewing the proposed state plan amendment, <sup>rate change, or payment</sup> the department may <sup>implement the rate change, or make the payment</sup> submit the state plan amendment. If, within 14 working days after the date of the

submittal under this paragraph by the department, the cochairpersons of the

committee notify the department that the committee has scheduled a meeting for the purpose of reviewing the proposed state plan amendment, <sup>rate change, or payment</sup> the department may <sup>implement the rate change, or make the payment</sup> submit the state plan amendment only upon approval by the committee.

(b) The department may not submit a Medical Assistance state plan amendment <sup>2</sup> that has an expected fiscal effect of <sup>2</sup> \$500,000 <sup>2</sup> or more from all revenue <sup>2</sup> sources over a 12-month period following the implementation date of the

amendment, <sup>rate change, or payment</sup> to the federal department of health and human services without

submitting the proposed state plan amendment <sup>rate change, or payment</sup> to the joint committee on finance for

review. The department may submit the proposed state plan amendment <sup>implement the change, or</sup> only upon <sup>rate change, or</sup> approval by the committee of the proposed state plan amendment <sup>implement the change, or</sup> submitted under <sup>rate change, or</sup> this paragraph. <sup>make the payment</sup>

(END)

or implement a change to the reimbursement rate for or make a supplemental payment to a provider under the Medical Assistance Program under this subchapter when the amendment, rate change, or payment



11/29

T/C w/ Abbey Vos office

Exempt provider payment changes from  
Submission IF

explicit expenditure authority or funding  
in enacted legislation



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6043/P2

TJD:emw

P3  
+ hnn

In: 11/29

PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION

- 1 AN ACT *to create* 49.45 (2t) of the statutes; **relating to:** legislative oversight over  
2 submission of Medical Assistance state plan amendments and Medical  
3 Assistance provider payments.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits the Department of Health Services from submitting an amendment to the state's Medical Assistance plan or implementing a change to the reimbursement rate for or making a supplemental payment to a provider under the Medical Assistance program without first submitting the proposed state plan amendment, rate change, or payment to the Joint Committee on Finance. If the state plan amendment, rate change, or payment has an expected fiscal effect of less than \$1,000,000 from all revenue sources over a 12-month period following the implementation date of the amendment, rate change, or payment, then the proposed state plan amendment, rate change, or payment is reviewed under JCF's 14-day, passive review process. If the expected fiscal effect is \$1,000,000 or more from all revenue sources over the 12-month period, DHS may only submit the proposed state plan amendment, implement the rate change, or make the payment upon approval by JCF.

Insert A1

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

- 4 SECTION 1. 49.45 (2t) of the statutes is created to read:

1           **49.45 (2t) SUBMISSION OF STATE PLAN AMENDMENTS AND PROVIDER PAYMENTS.** (a)  
2       The department may not submit a Medical Assistance state plan amendment to the  
3       federal department of health and human services or implement a change to the  
4       reimbursement rate for or make a supplemental payment to a provider under the  
5       Medical Assistance program under this subchapter when the amendment, rate  
6       change, or payment has an expected fiscal effect of less than \$1,000,000 from all  
7       revenue sources over a 12-month period following the implementation date of the  
8       amendment, rate change, or payment without submitting the proposed state plan  
9       amendment, rate change, or payment to the joint committee on finance for review.  
10      If the cochairpersons of the joint committee on finance do not notify the department  
11      within 14 working days after the date of the submittal under this paragraph that the  
12      committee has scheduled a meeting for the purpose of reviewing the proposed state  
13      plan amendment, rate change, or payment, the department may submit the state  
14      plan amendment, implement the rate change, or make the payment. If, within 14  
15      working days after the date of the submittal under this paragraph by the  
16      department, the cochairpersons of the committee notify the department that the  
17      committee has scheduled a meeting for the purpose of reviewing the proposed state  
18      plan amendment, rate change, or payment, the department may submit the state  
19      plan amendment, implement the rate change, or make the payment only upon  
20      approval by the committee.

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21           (b) The department may not submit a Medical Assistance state plan  
22      amendment to the federal department of health and human services or implement  
23      a change to the reimbursement rate for or make a supplemental payment to a  
24      provider under the Medical Assistance program under this subchapter when the  
25      amendment, rate change, or payment has an expected fiscal effect of \$1,000,000 or

1 more from all revenue sources over a 12-month period following the implementation  
2 date of the amendment, rate change, or payment without submitting the proposed  
3 state plan amendment, rate change, or payment to the joint committee on finance for  
4 review. The department may submit the proposed state plan amendment,  
5 implement the rate change, or make the payment only upon approval by the  
6 committee of the proposed state plan amendment, rate change, or payment  
7 submitted under this paragraph.

8

(END)



Insert 3-8

**2019-2020 DRAFTING INSERT  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-6043/P3ins  
TJD:...

1           INSERT A1

          DHS is not required, however, to submit a proposed rate change or supplemental payment to JCF under the bill if explicit expenditure authority or funding for the specific change or supplemental payment is included in enacted legislation.

2           END INSERT A1

3           INSERT 3-8

4           (c) Notwithstanding pars. (a) and (b), the department is not required to submit  
5   a proposed change to a reimbursement rate for or supplemental payment to a  
6   provider under the Medical Assistance program under this subchapter to the joint  
7   committee on finance under par. (a) or (b) if explicit expenditure authority or funding  
8   for the specific change or supplemental payment is included in enacted legislation.

9           END INSERT 3-8



State of Wisconsin  
2017 - 2018 LEGISLATURE

LRB-6043/P3  
TJD:emw&amn

**PRELIMINARY DRAFT - NOT READY FOR INTRODUCTION**

- 1     **AN ACT** *to create* 49.45 (2t) of the statutes; **relating to:** legislative oversight over  
2         submission of Medical Assistance state plan amendments and Medical  
3         Assistance provider payments.

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***Analysis by the Legislative Reference Bureau***

This bill prohibits the Department of Health Services from submitting an amendment to the state's Medical Assistance plan or implementing a change to the reimbursement rate for or making a supplemental payment to a provider under the Medical Assistance program without first submitting the proposed state plan amendment, rate change, or payment to the Joint Committee on Finance. If the state plan amendment, rate change, or payment has an expected fiscal effect of less than \$1,000,000 from all revenue sources over a 12-month period following the implementation date of the amendment, rate change, or payment, then the proposed state plan amendment, rate change, or payment is reviewed under JCF's 14-day, passive review process. If the expected fiscal effect is \$1,000,000 or more from all revenue sources over the 12-month period, DHS may only submit the proposed state plan amendment, implement the rate change, or make the payment upon approval by JCF. DHS is not required, however, to submit a proposed rate change or supplemental payment to JCF under the bill if explicit expenditure authority or

funding for the specific change or supplemental payment is included in enacted legislation.

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***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

1           **SECTION 1.** 49.45 (2t) of the statutes is created to read:

2           **49.45 (2t) SUBMISSION OF STATE PLAN AMENDMENTS AND PROVIDER PAYMENTS.** (a)

3           The department may not submit a Medical Assistance state plan amendment to the  
4           federal department of health and human services or implement a change to the  
5           reimbursement rate for or make a supplemental payment to a provider under the  
6           Medical Assistance program under this subchapter when the amendment, rate  
7           change, or payment has an expected fiscal effect of less than \$1,000,000 from all  
8           revenue sources over a 12-month period following the implementation date of the  
9           amendment, rate change, or payment without submitting the proposed state plan  
10          amendment, rate change, or payment to the joint committee on finance for review.  
11          If the cochairpersons of the joint committee on finance do not notify the department  
12          within 14 working days after the date of the submittal under this paragraph that the  
13          committee has scheduled a meeting for the purpose of reviewing the proposed state  
14          plan amendment, rate change, or payment, the department may submit the state  
15          plan amendment, implement the rate change, or make the payment. If, within 14  
16          working days after the date of the submittal under this paragraph by the  
17          department, the cochairpersons of the committee notify the department that the  
18          committee has scheduled a meeting for the purpose of reviewing the proposed state  
19          plan amendment, rate change, or payment, the department may submit the state  
20          plan amendment, implement the rate change, or make the payment only upon  
21          approval by the committee.



(b) The department may not submit a Medical Assistance state plan amendment to the federal department of health and human services or implement a change to the reimbursement rate for or make a supplemental payment to a provider under the Medical Assistance program under this subchapter when the amendment, rate change, or payment has an expected fiscal effect of \$1,000,000 or more from all revenue sources over a 12-month period following the implementation date of the amendment, rate change, or payment without submitting the proposed state plan amendment, rate change, or payment to the joint committee on finance for review. The department may submit the proposed state plan amendment, implement the rate change, or make the payment only upon approval by the committee of the proposed state plan amendment, rate change, or payment submitted under this paragraph.

(c) Notwithstanding pars. (a) and (b), the department is not required to submit a proposed change to a reimbursement rate for or supplemental payment to a provider under the Medical Assistance program under this subchapter to the joint committee on finance under par. (a) or (b) if explicit expenditure authority or funding for the specific change or supplemental payment is included in enacted legislation.

18 (END)